

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

Caption:
Anne Clyburn,
Plaintiff

FILED

MAY 13 2010

MICHAEL E. KUNZ, Clerk
By _____ Dep. Clerk

**COMPLAINT
FOR EMPLOYMENT
DISCRIMINATION**

v.

CIVIL ACTION
NO. _____

UFCW Local 1776 Federal Credit Union
and
UFCW Local 1776
Defendants

This action is brought for discrimination in employment pursuant to (check only those that apply):

- X Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).
NOTE: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue Letter from the Equal Employment Opportunity Commission.
- _____ Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621-634.
NOTE: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission, and you must have been at least 40 years old at the time you believe that you were discriminated against.
- _____ Americans with Disability Act of 1990, as codified, 42 U.S.C. §§ 12112-12117.
NOTE: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue Letter from the Equal Employment Opportunity Commission.
- X Pennsylvania Human Relations Act, as codified, 43 Pa. Cons. Stat. §§ 951-963 (race, color, family status, religious creed, ancestry, handicap or disability, age, sex, national origin, the use of a guide or support animal because of blindness, deafness or physical handicap of the user or because the user is a handler or trainer of support or guide animals).

NOTE: In order to bring suit in federal district court under the Pennsylvania Human Relations Act, you must first file a complaint with the Pennsylvania Human Relations Commission or the Philadelphia Commission on Human Relations, and then you must one year prior to filing a lawsuit.

I. Parties in this complaint:

- A. List your name, address and telephone number. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff Name: Anne Clyburn
Street Address: PO Box 197
County, City: Chester, Exton
State & Zip: PA & 19341
Telephone Number: (610) 812-8496

- B. List all defendants' names and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the caption on the first page. Attach additional sheets of paper as necessary.

Defendant Name: UFCW Local 1776 Federal Credit Union
Street Address: 3031 Walton Road, Suite 310
County, City: Montgomery, Plymouth Meeting
State & Zip: PA & 19462
Telephone Number: (610) 941-2604

Defendant Name: UFCW Local 1776
Street Address: 3031 Walton Road, Suite 201
County, City: Montgomery, Plymouth Meeting
State & Zip: PA & 19462
Telephone Number: (610) 940-1776

- C. The address at which I sought employment or was employed by the defendant(s) is:

Employer: UFCW Local 1776 Federal Credit Union
Street Address: 3031 Walton Road, Suite 310
County, City: Montgomery, Plymouth Meeting
State & Zip: PA & 19462
Telephone Number: (610) 941-2604

II. Statement of the Claim

- A. The discriminatory conduct of which I complain in this action includes (*check only those that apply to your case*):

____ Failure to hire me

X Termination of my employment

____ Failure to promote me

_____ Failure to reasonably accommodate my disability

_____ Failure to reasonably accommodate my religion

_____ Failure to stop harassment

_____ Unequal terms and conditions of my employment

X Retaliation

_____ Other (specify): _____

NOTE: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court.

B. It is my best recollection that the alleged discriminatory acts occurred or began on or about: (month) November, (day) _____, (year) 2000.

C. I believe that the defendant(s) (check one):

_____ is still committing these acts against me.

X is **not** still committing these acts against me.

D. Defendant(s) discriminated against me based on my (check only those that apply and state the basis for discrimination, for example, what is your religion, if religious discrimination is alleged):

_____ race _____ color _____

_____ religion _____ X gender/sex Female

_____ national origin _____

_____ age My date of birth is _____ (Give your date of birth only if you are asserting a claim of age discrimination)

E. The facts of my case are as follow (attach additional sheets of paper as necessary):

Please find attached a copy of my original gender discrimination complaint filed with the Pennsylvania Human Relations Commission and cross-filed with the Equal Employment Opportunity Commission. Furthermore, I have also enclosed a copy of my amended gender discrimination complaint as well as a copy of my retaliation complaint which was also cross-filed with the Equal Employment Opportunity Commission. _____

NOTE: *As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, the Pennsylvania Human Relations Commission, or the Philadelphia Commission on Human Relations.*

III. Exhaustion of Administrative Remedies:

A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on: April 18, 2007.

B. The Equal Employment Opportunity Commission (*check one*):

_____ has not issued a Notice of Right to Sue Letter.

X _____ issued a Notice of Right to Sue Letter, which I received on 2/08/2010.

NOTE: *Attach to this complaint a copy of the Notice of Right to Sue Letter from the Equal Employment Opportunity Commission.*

C. *Only plaintiffs alleging age discrimination must answer this question.*

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding defendant's alleged discriminatory conduct (*check one*):

_____ 60 days or more have passed.

_____ fewer than 60 days have passed.

D. It is my best recollection that I filed a charge with the Pennsylvania Human Relations Commission or the Philadelphia Commission on Human Relations regarding the defendant's alleged discriminatory conduct on: April 18, 2007.

E. Since filing my charge of discrimination with the Pennsylvania Human Relations Commission or the Philadelphia Commission on Human Relations regarding the defendant's alleged discriminatory conduct (*check one*):

X _____ One year or more has passed.

_____ Less than one year has passed.

IV. Relief

WHEREFORE, Plaintiff prays that the Court grant such relief as may be appropriate, including injunctive orders, damages, and costs as well as *(check only those that apply)*:

- _____ Direct the defendant to hire the plaintiff.
- _____ Direct the defendant to re-employ the plaintiff.
- _____ Direct the defendant to promote the plaintiff.
- _____ Direct the defendant to reasonably accommodate the plaintiff's disabilities.
- _____ Direct the defendant to reasonably accommodate the plaintiff's religion.
- _____ Direct the defendant to *(specify)*: _____
- X If available, grant the plaintiff appropriate injunctive relief, lost wages, liquidated/double damages, front pay, compensatory damages, punitive damages, prejudgment interest, post-judgment interest, and costs, including reasonable attorney fees and expert witness fees.
- _____ Other *(specify)*: _____

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 5th day of May, 2010.

Signature of Plaintiff Anne Clyburn
Address Anne Clyburn
PO Box 197
Exton, PA 19341

Telephone number (610) 812-8496
Fax number *(if you have one)* _____